



Docket No.: KIN101USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/829,524 Confirmation No. 7361
Applicant : Shinji Kawashima
Filed: : April 22, 2004
Art Unit :
Examiner :
Customer No. : 00270
Title : CUTTING, PROFILING, AND EDGE-PREPARING
APPARATUS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail on the date indicated below in an envelope
addressed to: Mail Stop Petitions, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature

M Marsden

Date

5/26/2005

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR §1.137(a)

Sir:

Applicant petitions for the revival of the above-identified application.

Nature of Abandonment

A Notice to File Missing Parts (Notice) was issued by the U.S. Patent and Trademark Office on August 31, 2004 in connection with the above referenced application. However, the undersigned attorney and Applicant never received the Notice due to an error by the U.S. Patent and Trademark Office of which the undersigned attorney and Applicant were unaware.

As will be discussed in greater detail below, the error related to the U.S. Patent and

Trademark Office incorrectly entering a Power of Attorney and Change of Correspondence Address in the above referenced application (10/829,524) that was submitted in connection with a non-related application (09/829,524) of another. Thus, the Applicant failed to respond to the Notice because the Notice was never sent to the undersigned attorney.

Response

Applicant and the undersigned attorney respectfully request that the requirement to file a response with this Petition be waived.

For reasons stated below, a response to the Notice cannot be submitted at this time since the undersigned attorney and the Applicant have never received and cannot obtain a copy of the Notice. Thus, Applicant respectfully requests that the Notice be sent to the undersigned attorney so that a response can be filed at a later date.

The application was filed with filing fee and with an executed Declaration. A copy of the executed Declaration is attached.

Showing as to the Cause of Unavoidable Delay

The present application was filed on April 22, 2004 with small entity filing fee and an executed Declaration. A return postcard was received by the undersigned attorney from the U.S. Patent and Trademark Office, copy attached.

Unknown to the undersigned attorney and Applicant, an unrelated entity (Fliesler Meyer, LLP) submitted a Power of Attorney and Change of Correspondence Address on May 27, 2004 with respect to an application having the serial number 09/829,524. Apparently, the U.S. Patent and Trademark Office entered the Power of Attorney and Change of Correspondence Address in the present application, serial number 10/829,524, without ever notifying the undersigned attorney or Applicant. See the attached letter dated May 19, 2005 from Fliesler Meyer LLP. This error was on the fault of the U.S. Patent and Trademark Office and was not first brought to the attention of the undersigned attorney or Applicant until May 19, 2005.

Apparently, a Notice to Filing Missing Parts was issued by the U.S. Patent and Trademark Office on August 31, 2004. The undersigned attorney and Applicant never received a copy of the Notice from the U.S. Patent and Trademark Office or any other entity.

In addition, the undersigned attorney and Applicant never received any communication from the U.S. Patent and Trademark Office with respect to a change in the Power of Attorney or Correspondence Address.

The U.S. Patent and Trademark Office issued a Notice of Abandonment on May 13, 2005. The Notice of Abandonment was forwarded to the undersigned attorney on May 19, 2005 from Fliesler Meyer LLP. As evidenced from the Notice of Abandonment, the correspondence address is the address of Fliesler Meyer, LLP.

The unavoidable delay for filing a response to the Notice to File Missing Parts is due to the undersigned attorney and Applicant never receiving a copy of the Notice to File Missing Parts. To date, a copy of the Notice to File Missing Parts has not been received by Applicant or the undersigned attorney. The Applicant and the undersigned attorney did not change the Power of Attorney and Correspondence Address in the present application. In addition, the undersigned attorney and Applicant were unaware that the Power of Attorney and Correspondence Address had been changed by the U.S. Patent and Trademark Office and another. The change of Power of Attorney and Correspondence Address was due to the U.S. Patent and Trademark Office incorrectly entering a Power of Attorney and Change of Correspondence Address in the present application that was submitted for a totally unrelated application of another, 09/829,524.

Applicant and the undersigned attorney respectfully request that:

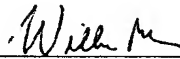
- the subject application be revived;
- the Power of Attorney and Correspondence Address be reinstated to reflect that as originally filed on April 22, 2004;
- a new Notice to File Missing Parts be issued by the U.S. Patent and Trademark Office and forwarded to the undersigned attorney with a reset response deadline; and
- the fee for this petition (\$250) be refunded to the Applicant via the undersigned attorney's deposit account since the error which caused the unavoidable delay was in no part due to the Applicant or its undersigned attorney.

Petition Fee Payment

Applicant claims small entity status. The Director is authorized to charge the fee for this petition of \$250, or credit any overpayment or refund, to Deposit Account No. 08-3040. A refund for the entire fee amount is requested.

This Petition is timely submitted within one month of the date of the Notice of Abandonment. A terminal disclaimer is not required.

Respectfully submitted,
Howson and Howson
Attorneys for Applicants

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Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.